

Index File

Application No. UP-688-05

SprintCom, Inc.

Application No. UP-688-05 is a request for a Special Use Permit to authorize a 137-foot self-supporting monopole communications tower with associated ground-mounted equipment located on a portion of the property located at 300 Dare Road.

The staff is recommending approval.

Attachments:

1. Staff report
2. Zoning map
3. Sketch plans (5)
4. Photo simulations (2)
5. Verifiable Evidence Statement & Narrative Description
6. Design Criteria
7. Proposed Resolution No. PC05-48

COUNTY OF YORK

MEMORANDUM

DATE: December 6, 2005 (PC Mtg. 12/14/05)

TO: York County Planning Commission

FROM: Earl W. Anderson, Planner

SUBJECT: Application No. UP-688-05, SprintCom, Inc.

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance to authorize a 137-foot self-supporting monopole communications tower with associated ground-mounted equipment located on a portion of the property located at 300 Dare Road (Route 621) and further identified as Assessor's Parcel No. 30-2.

DESCRIPTION

- Property Owner: York County School Board; applicant is owner's lessee
- Location: 300 Dare Road (Route 621)
- Area: 15 acres
- Frontage: Approximately 540 feet on Dare Road
- Utilities: Public water and sewer
- Topography: Flat on the western side sloping down toward the northeast
- 2015 Land Use Map Designation: Medium-Density Residential
- Zoning Classification: RC - Resource Conservation
- Existing Development: Dare Elementary School with associated athletic fields
- Surrounding Development:
 - North: Single family detached home
 - East: York County School Board Office
 - South: Common area for Jacob Springs subdivision, two single family detached homes, and an apartment building in the Grafton Station apartment complex (across Dare Road)
 - West: Bargain Box thrift store and soccer field
- Proposed Development: 137-foot freestanding monopole communications tower with associated ground-mounted equipment

CONSIDERATIONS/CONCLUSIONS

1. The proposed tower facility consists of a 137-foot monopole with associated equipment shelters. The facility is to be surrounded by an 8-foot high chain link fence, with additional screening across the top to prevent baseballs from going into the facility and landscape screening. Access is to be via a proposed 12-foot wide access road coming off the western side entrance for the elementary school. The proposed tower will replace the existing left field light pole on the rear baseball diamond and is approximately 1200 feet from the Dare Road right-of-way. The closest dwellings are located approximately 240 feet northwest of the proposed tower location in the Grafton Branch subdivision off Hudgins Farm Road. The majority of the parcel consists of the Dare Elementary School; however, the area between the residences and the proposed tower location is heavily wooded. (Copies of photo simulations of the proposed tower provided by the applicant are attached.)
2. The proposed lease area is surrounded by the school, its athletic fields, a large vacant parcel and single-family dwellings off Hudgins Farm Road. The subject parcel is zoned RC (Resource Conservation) with surrounding properties zoned R20 (Medium Density Residential) and RMF (Multi-Family Residential) across Dare Road. A stream runs to the rear of the parcel and a Natural Resources Inventory and Perennial Stream Determination will need to be completed for site plan review. If the stream is determined to be perennial, then a 100-foot Resource Protection Area (RPA) buffer will be required landward of the stream and any adjacent wetlands. Installation of the proposed tower and appurtenances within the RPA will require an exception from the York County Chesapeake Bay Board. The current and draft Comprehensive Plans designate this area as Medium-Density Residential.
3. The monopole will replace the existing athletic field light pole, which supports the lighting fixtures for the baseball field and will move the lights higher and further back than their current location. As the lighting of the field is an important component to the recreational needs of the County's youth sports programming, several concerns have been raised. Musco Lighting, the manufacturer of the lighting system, installed and maintains the manufacturer warranties on the systems (pole and lights). Therefore, staff is recommending a condition that a written statement from Musco Lighting be prepared prior to site plan approval detailing that there will be no detrimental effects on Musco Lighting's manufacturer warranty for the lighting system. Also, because the lights will be in a different position than previously, staff is recommending that a written verification and a lighting drawing from a Musco Lighting representative be submitted before site plan approval showing that the same lighting levels (foot candles) are provided on the field upon completion of the proposed tower. Additionally, because of the activity level at the baseball field, construction of the proposed tower can only occur during times that teams will not be utilizing the lighting systems.
4. The applicant has indicated that existing PCS service in the area is currently limited. Use of existing structures was considered; however, no suitable sites were found that would provide the needed service to the deficient coverage area. The applicant has

therefore submitted this request for a new monopole. The applicant's proposed tower would be a co-location site with space for two additional wireless communications providers.

5. The Federal Aviation Administration (FAA) will analyze the proposed tower to ensure that it will not infringe on air traffic flight patterns. If the FAA requires a permit for the construction of the tower, the applicant will need to provide evidence of FAA approval prior to the County's final approval for construction of the tower. A condition to this effect is included as part of the approving resolution.
6. As a condition of approval, the applicant will be required to submit a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower will not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
7. Although the Telecommunications Act of 1996 did not preempt local zoning authority, localities are somewhat constrained in their ability to deny or delay requests for towers. Such decisions may be enjoined or overturned by the FCC or federal courts if the intent or the effect of the decision is to discriminate between types of communications service providers. They can also be overturned if the decision is not reached within a reasonable period of time, if the denial is unreasonable, or if the denial is based on public health concerns relating to radio frequency emissions. Additionally, the Act places an obligation upon localities to assist the telecommunications providers in finding a facility somewhere within the footprint (coverage area).

RECOMMENDATION

Utilities Strategy 3.1 of the Comprehensive Plan discourages location of telecommunications towers in residential neighborhoods "unless there is no other practical option." The applicant has indicated that alternative locations with existing support structures were considered in establishing facilities to meet the need for expanded wireless coverage in the area. However, as there were no existing facilities available that satisfied coverage criteria, a new monopole facility at the proposed location was deemed necessary to meet customer demand for services. In cases where location of such facilities in residential areas is unavoidable, a balance between community aesthetic goals and the wireless industry requirements must be achieved.

Utilities Strategy 3.5 further states that such structures "should blend into the surrounding environment when possible." The proposed tower is to be located in the immediate area of a nonresidential use, namely, the existing elementary school. The tower is proposed in an area of relatively sparse residential development, and the nearest dwelling is located approximately 240 feet from the site. The facility's obtrusiveness will be reduced somewhat given the location of the facility to the rear of the existing elementary school and within an area that is heavily wooded.

Although such structures may not be appropriate elsewhere in the County's residential areas, staff believes that the particular characteristics of the proposed tower site can afford the opportunity to expand telecommunications coverage without sacrificing aesthetic goals. Therefore, based on the considerations and conclusions as noted, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC05-48.

EWA

Attachments

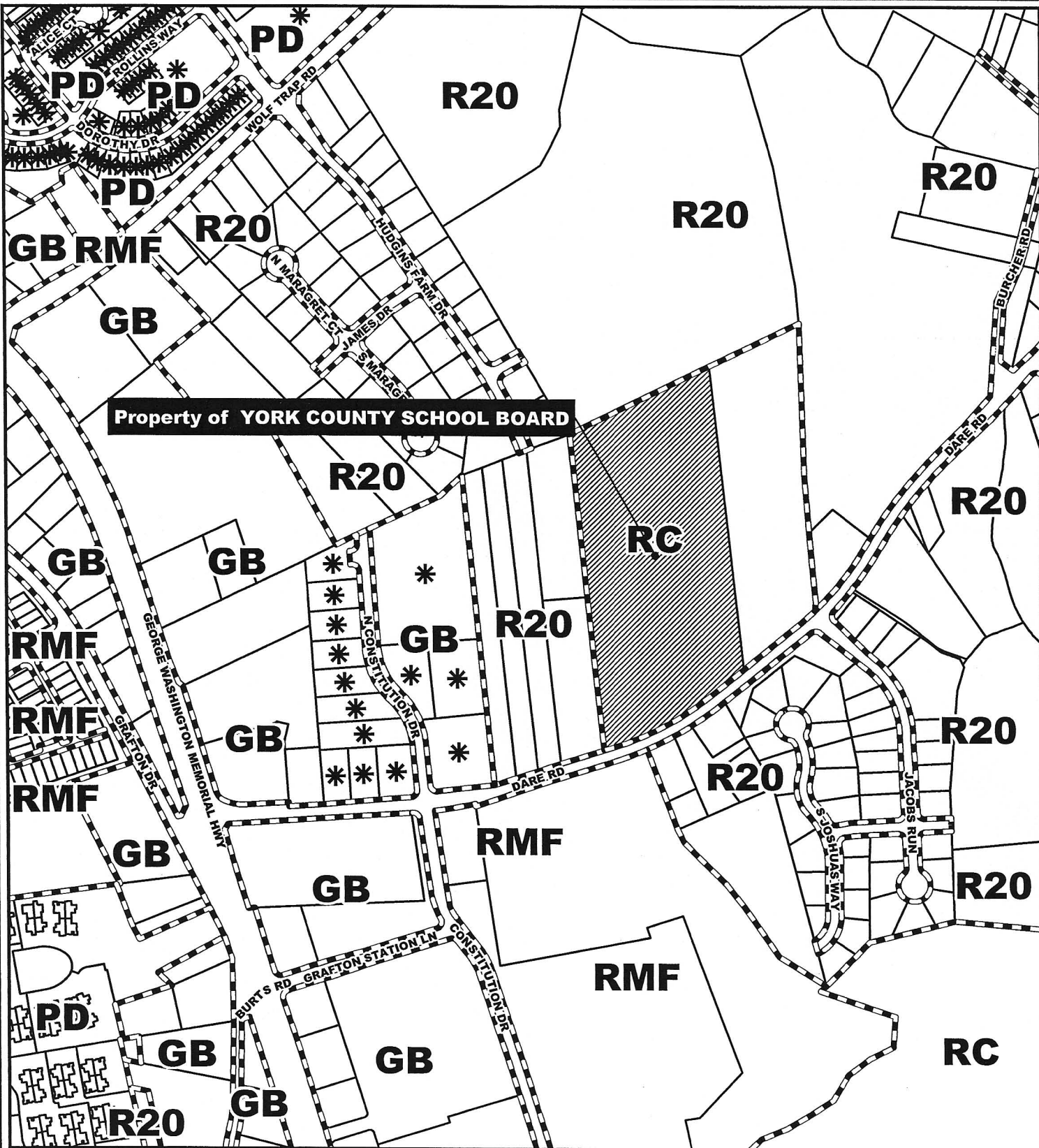
- Zoning Map
- Sketch Plan
- Photo-simulations of Proposed Tower
- Verifiable Evidence Statement and Narrative Description of Tower Locations
- Design Criteria
- Proposed Resolution No. PC05-48

APPLICANT
Sprintcom, Inc.

To authorize the replacement of an existing Athletic field light pole
with a 137 foot self-supporting communications tower with
associated ground mounted equipment

ZONING MAP

APPLICATION NUMBER: UP-688-05



* = Conditional Zoning

0 250 500 1,000
Feet

Printed on October 11, 2005



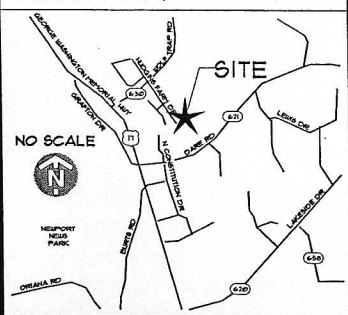
LIBRARY TILE NUMBER:

Lr014

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

VICINITY MAP



DIRECTIONS TO SITE

FROM NORFOLK TAKE I-64 (HAMPTON ROAD'S BELTWAY) (NORTHEAST). AT EXIT 258B, TURN OFF ONTO RAMP TOWARD'S US-11/J CLYDE MORRIS BOULEVARD/ YORKTOWN. CONTINUE (NORTH) ON US-11 (J CLYDE MORRIS BOULEVARD). TURN RIGHT EAST ONTO SR-621 (DARE RD). TURN LEFT NORTH ONTO LOCAL ROAD(S). ARRIVE • SITE.

SITE COORDINATES

LATITUDE: 31° 00' 51.54"
LONGITUDE: 76° 21' 31.14"
GROUND ELEV. = 181' AMSL

HANDICAPPED REQUIREMENTS

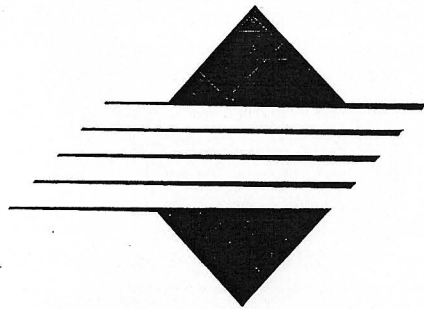
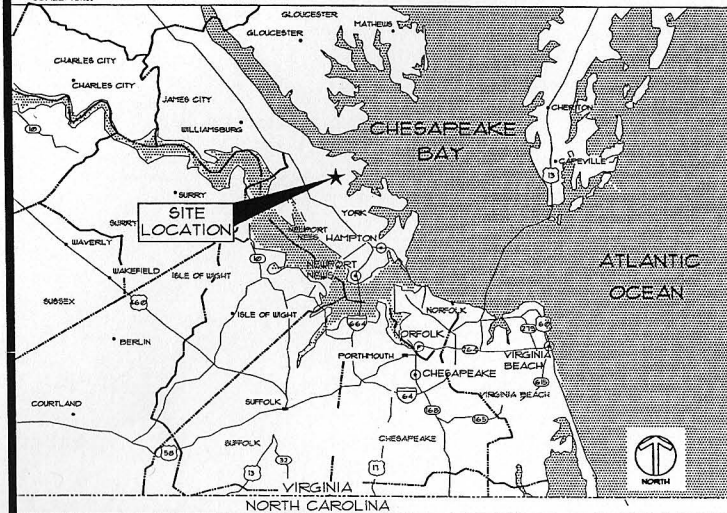
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAP ACCESS REQUIREMENTS NOT REQUIRED.

PLUMBING REQUIREMENTS

FACILITY HAS NO PLUMBING.

SITE LOCATION

SCALE: N.T.S.



Sprint

SITE NAME

DARE ELEMENTARY

SITE NUMBER

NO60XC806-B

SITE ADDRESS

300 DARE RD.
YORKTOWN, VA 23692

PROJECT TYPE

PROPOSED 121'-0" HIGH MONOPOLE
W/ ANTENNAS & RELOCATED LIGHTS
AND MOTOROLA EQUIPMENT ON CONCRETE SLAB

DRAWINGS SCALED TO 11"x17"

PROJECT CONSULTANTS



Fullerton
Engineering
Consultants, Inc.

POWER

DOMINION VIRGINIA POWER
CONTACT: CHRIS BEHRENS
PHONE: (804) 619-2362

ENGINEERING CONSULTANT

FULLERTON ENGINEERING
CONSULTANTS, INC.
9100 W. HIGGINS RD., SUITE 800
ROSEMONT, IL 60018
CONTACT: JASON PALMER
PHONE: (847) 292-0200 x 221
FAX: (847) 292-0205
E-MAIL: jpalmer@fullertonengineering.com

TELEPHONE

VERIZON
PHONE:

SHEET INDEX

NO. SHIT.	DESCRIPTION
T-1	TITLE SHEET
Z-1	SITE PLAN
Z-1A	SITE PLAN
Z-2	ENLARGED SITE PLAN
Z-3	SITE ELEVATION

RECEIVED

NOV 8 2005

PLANNING DIVISION
COUNTY OF YORK

APPROVALS

LANDLORD	DATE
R.F.	DATE
OPERATIONS	DATE
SPRINT ENGINEER	DATE
SPRINT PROPERTY	DATE
ZONING	DATE

PROJECT SUMMARY

SITE NO:	NO60XC806-B
SITE NAME:	DARE ELEMENTARY
SITE ADDRESS:	300 DARE RD YORKTOWN, VA 23692
COUNTY:	YORK
JURISDICTION:	YORK COUNTY
ZONING:	RC
BUILDING CODE:	VIRGINIA UNIFORM STATEWIDE BUILDING CODE 2000 EDITION
PROPERTY OWNER:	YORK COUNTY SCHOOL BOARD 302 DARE RD. YORKTOWN, VA 23692 CONTACT: RICHARD HIXSON TEL: (757) 898-0436
APPLICANT:	SPRINTCOM, INC. TIM BENNETT 6550 SPRINT PARKWAY OVERLAND PARK, KS 66251 TEL: (913) 794-5723
LCC CONSTRUCTION MANAGER	THOMAS SAWYER TEL: (804) 695-6756 thomas_sawyer@lcc.com

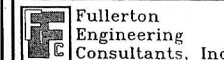


6500 SPRINT PARKWAY
OVERLAND PARK, KS 66251



LCC International, Inc.

540 AVIS DR.
ANN ARBOR, MICHIGAN 48106
TEL: 734-213-5546, FAX: 734-213-5719



9100 W. HIGGINS RD., SUITE 800
ROSEMONT, ILLINOIS 60018
TEL: 847-292-0200
FAX: 847-292-0205

THIS DRAWING IS THE PROPERTY OF
FULLERTON ENGINEERING CONSULTANTS, INC.
IT IS FOR THE EXCLUSIVE USE OF THIS
PROJECT. ANY RE-USE OF THIS DRAWING
WITHOUT THE EXPRESSED WRITTEN CONSENT
OF FULLERTON ENGINEERING CONSULTANTS,
INC. IS PROHIBITED.

CHECKED BY: JP

APPROVED BY: MB

DATE DESCRIPTION

09/23/05 ISSUED FOR ZONING

10/25/05 ISSUED FOR ZONING

11/01/05 ISSUED FOR ZONING

COMMONWEALTH OF VIRGINIA

HENRY M. BELLAGAMBA

No. 040906

PROFESSIONAL ENGINEER

EXP. DATE: 2-28-07

DATE SIGNED: 11-03-05

SITE NAME

DARE ELEMENTARY

SITE NUMBER

NO60XC806-B

SITE ADDRESS

300 DARE RD.
YORKTOWN, VA 23692

SHEET NAME

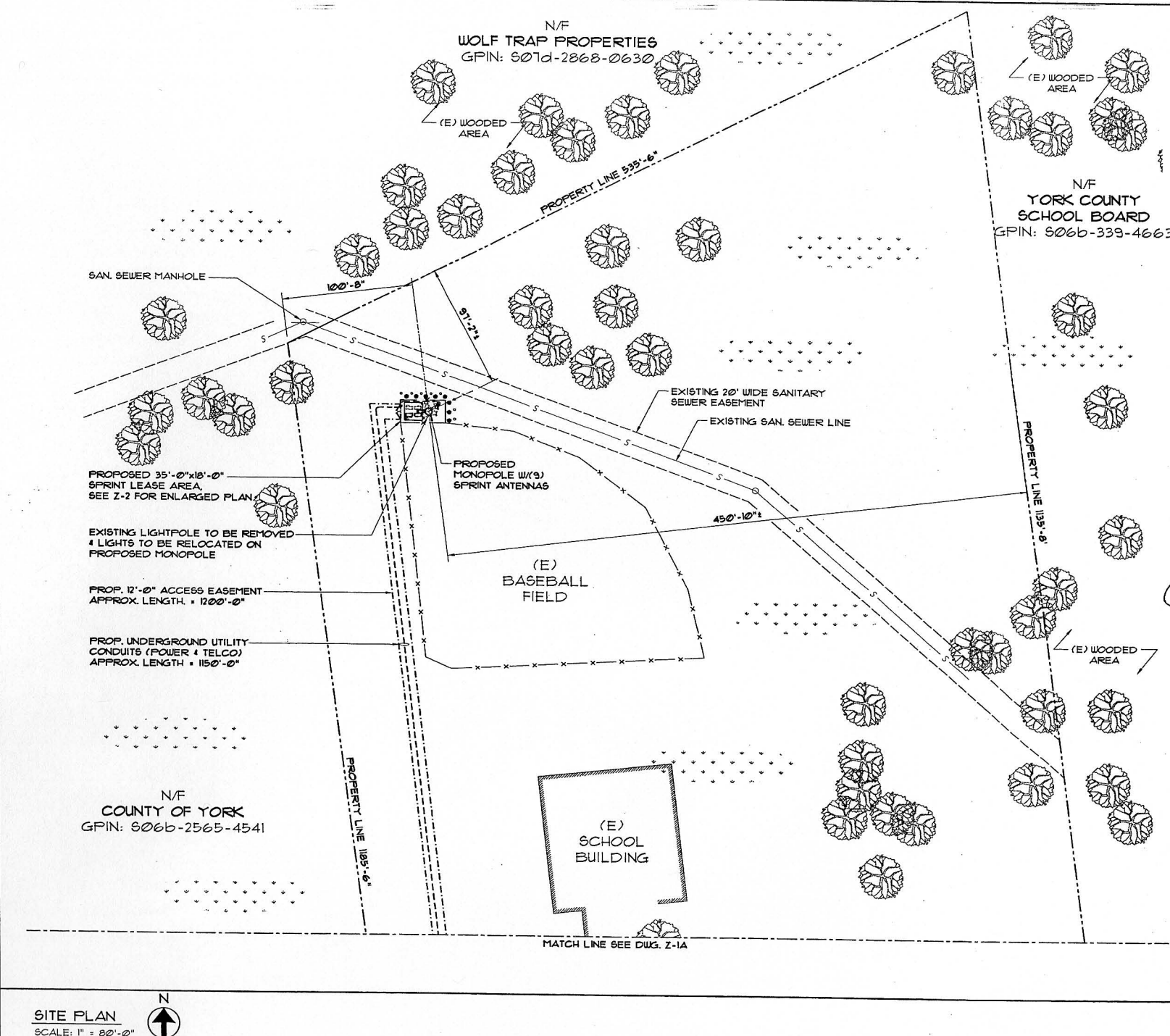
TITLE SHEET

SHEET NUMBER

T-1

ABBREVIATIONS	
AF	ABOVE FINISHED FLOOR
AGL	ABOVE GRADE LEVEL
AMSL	ABOVE MEAN SEA LEVEL
APPROX	APPROXIMATE
AWG	AMERICAN WIRE GAUGE
BLDG	BUILDING
CCD	CITY OF CHICAGO DATUM
CLR	CLEAR
COL	COLUMN
CONC	CONCRETE
CND	CONDUIT
DWG	DRAWING
FT	FOOT(FEET)
EGB	EQUIPMENT GROUND BAR
ELEC	ELECTRICAL
ENT	METALLIC TUBING
ELEV	ELEVATION
EQUIP	EQUIPMENT
(E)	EXISTING
EXT	EXTERIOR
FND	FOUNDATION
GA	GAUGE
GALV	GALVANIZED
GPS	GLOBAL POSITIONING SYSTEM
GND	GROUND
MAX	MAXIMUM
MFR	MANUFACTURER
MGB	MASTER GROUND BAR
MIN	MINIMUM
NTS	NOT TO SCALE
O.C.	ON CENTER
OE/OT	OVERHEAD ELECTRIC/TELCO
RG9	RIGID GALVANIZES STEEL INCHES)
IN	INTERIOR
LB(°)	POUND(S)
SF	SQUARE FOOT
STL	STEEL
TYP	TYPICAL
UE/AT	UNDERGROUND ELECTRIC/TELCO
UNO	UNLESS NOTED OTHERWISE
VIF	VERIFY IN FIELD
W	WITH
BTS	BASE TRANSMISSION STATION
FCS	PERSONAL COMMUNICATIONS SERVICES
XFMR	TRANSFORMER
PL	CENTER LINE PLATE

SYMBOLS	
	UTILITY POLE
	WORK POINT
	REVISION
	MASONRY
	BRICK
	CONCRETE
	EARTH
	STEEL
	GRAVEL
	CONSTRUCTION EXIT
	CENTER LINE
	PROPERTY LINE
	LEASE LINE
	EASEMENT LINE
	CHAIN LINK FENCE
	WOOD FENCE
	BELOW GRADE ELECTRIC
	BELOW GRADE TELEPHONE
	OVERHEAD ELECTRIC/TELEPHONE
	SECTION REFERENCE



6580 SPRINT PARKWAY
OVERLAND PARK, KS 66251

LCC International, Inc.
540 AVIS DR.
ANN ARBOR, MICHIGAN 48106
TEL: 734-213-5546, FAX: 734-213-5711

Fullerton Engineering Consultants, Inc.
9100 W. HIGGINS RD., SUITE 800
ROSEMONT, ILLINOIS 60018
TEL: 847-292-0100
FAX: 847-292-0105

THIS DRAWING IS THE PROPERTY OF FULLERTON ENGINEERING CONSULTANTS, INC. IT IS FOR THE EXCLUSIVE USE OF THIS PROJECT. ANY RE-USE OF THIS DRAWING WITHOUT THE EXPRESSED WRITTEN CONSENT OF FULLERTON ENGINEERING CONSULTANTS, INC. IS PROHIBITED.

CHECKED BY:	JF
APPROVED BY:	MB
DATE	DESCRIPTION
09/29/05	ISSUED FOR ZONING
10/25/05	REISSUED FOR ZONING
11/02/05	REISSUED FOR ZONING

DATE SIGNED: _____

SITE NAME
DARE ELEMENTARY

SITE NUMBER
NO60XC806-E

SITE ADDRESS
**300 DARE RD.
YORKTOWN, VA 23692**

SHEET NAME
SITE PLAN

SHEET NUMBER
Z-1

SITE PLAN
SCALE: 1" = 80'-0"

N/F
YORK COUNTY
VOLUNTEER ASSN. INC.
GPIN: 506b-2625-3953

(E) WOODED
AREA

(E) UTILITY
POLE

(E)
BUILDING

(E)
BUILDING

(E) ACCESS ROAD

(E)
ASPHALT
AREA

(E)
SCHOOL
BUILDING

PROP. 12'-0" ACCESS EASEMENT
APPROX. LENGTH = 1200'-0"

15 ACRES
N/F
YORK COUNTY
SCHOOL BOARD
GPIN: 506b2936-4399
LEGAL DARE ELEM.
D.B. 173, PG. 436

MATCH LINE SEE DWG. Z-1

PROPERTY LINE

PROPERTY LINE 220'-5"
DARE RD

PROPERTY LINE 202'-1"
DARE RD

DARE RD

SITE PLAN
SCALE: 1" = 80'-0"

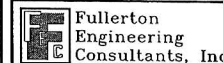


6580 SPRINT PARKWAY
OVERLAND PARK, KS 66251



LCC International, Inc.

540 AVIS DR.
ANN ARBOR, MICHIGAN 48108
TEL: 734-213-5546, FAX: 734-213-5112



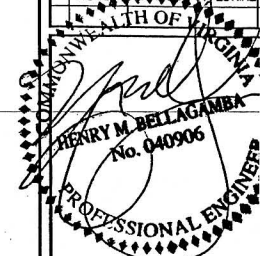
9100 W. HIGGINS RD., SUITE 800
ROSEMONT, ILLINOIS 60018
TEL: 847-292-0200
FAX: 847-292-0205

THIS DRAWING IS THE PROPERTY OF
FULLERTON ENGINEERING CONSULTANTS, INC.
IT IS FOR THE EXCLUSIVE USE OF THIS
PROJECT. ANY RE-USE OF THIS DRAWING
WITHOUT THE EXPRESSED WRITTEN CONSENT
OF FULLERTON ENGINEERING CONSULTANTS,
INC. IS PROHIBITED.

CHECKED BY: JP

APPROVED BY: MB

#	DATE	DESCRIPTION
1	03/23/05	ISSUED FOR ZONING
2	10/25/05	REISSUED FOR ZONING
3	11/01/05	REISSUED FOR ZONING



DATE SIGNED: 11-03-05

SITE NAME

DARE
ELEMENTARY

SITE NUMBER

N060XC806-E

SITE ADDRESS

300 DARE RD.
YORKTOWN, VA 23692

SHEET NAME

SITE PLAN

SHEET NUMBER

Z-1A

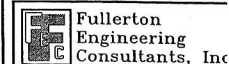


6500 SPRINT PARKWAY
OVERLAND PARK, KS 66251



LCC International, Inc

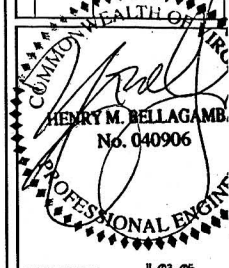
540 AVIS DR.
ANN ARBOR, MICHIGAN 48106
TEL: 734-793-5546 . FAX 734-793-5119



9100 W. HIGGINS RD., SUITE 800
ROSEMONT, ILLINOIS 60018
TEL: 847-292-0200
FAX: 847-292-0705

THIS DRAWING IS THE PROPERTY OF
FULLERTON ENGINEERING CONSULTANTS, INC.
IT IS FOR THE EXCLUSIVE USE OF THIS
PROJECT. ANY RE-USE OF THIS DRAWING
WITHOUT THE EXPRESSED WRITTEN CONSENT
OF FULLERTON ENGINEERING CONSULTANTS,
INC. IS PROHIBITED.

CHECKED BY:	JP
APPROVED BY:	MB
DATE	DESCRIPTION
03/23/05	ISSUED FOR ZONING
10/25/05	REISSUED FOR ZONING
11/01/05	REISSUED FOR ZONING



DATE SIGNED: 11-03-05

SITE NAME

DARE
ELEMENTARY

SITE NUMBER

NO60XC806-E

SITE ADDRESS

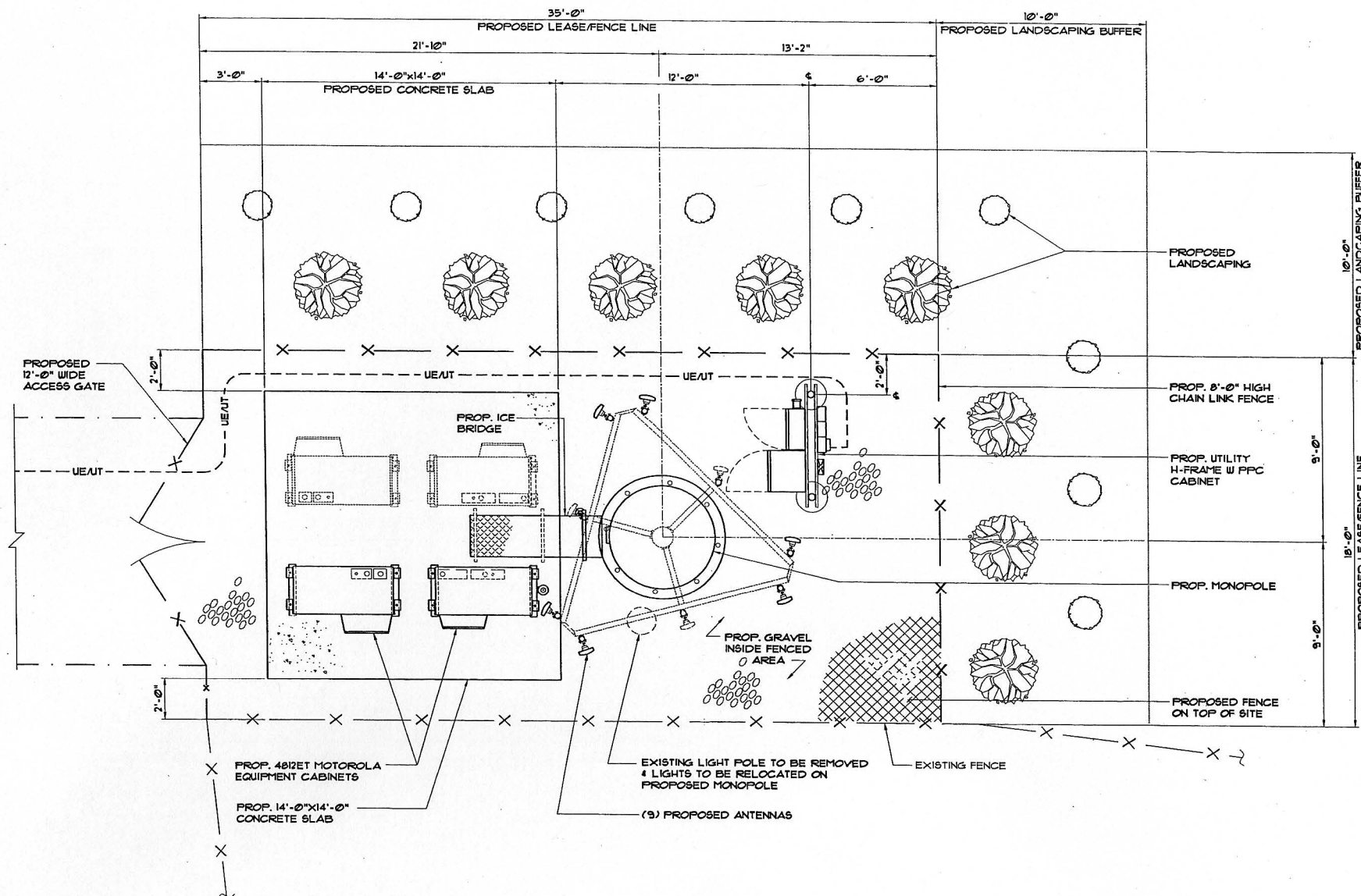
300 DARE RD.
YORKTOWN, VA 23692

SHEET NAME

ENLARGED
SITE PLAN

SHEET NUMBER

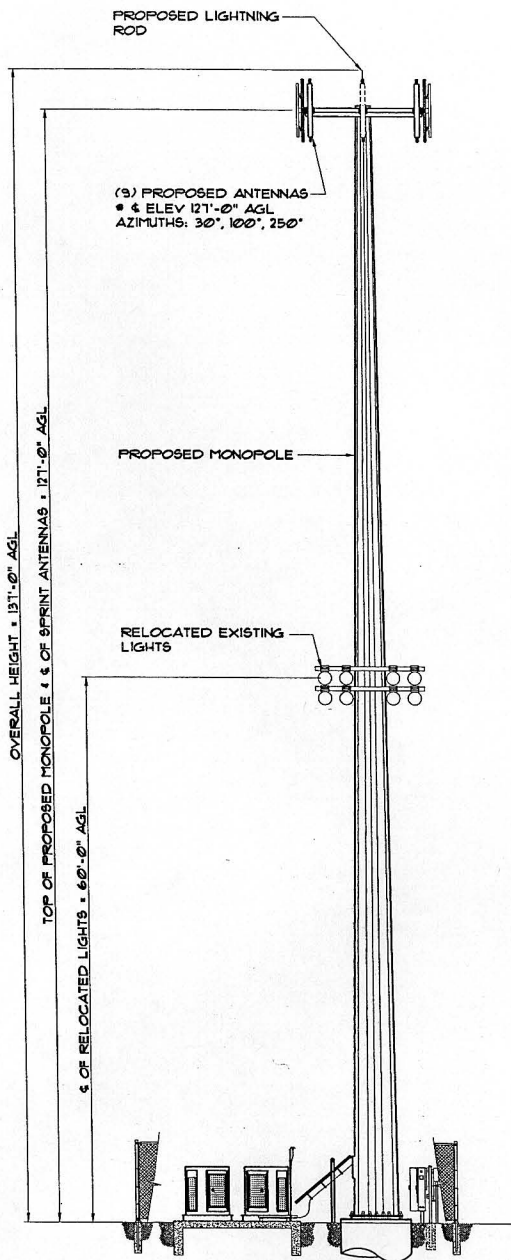
Z-2



ENLARGED SITE PLAN

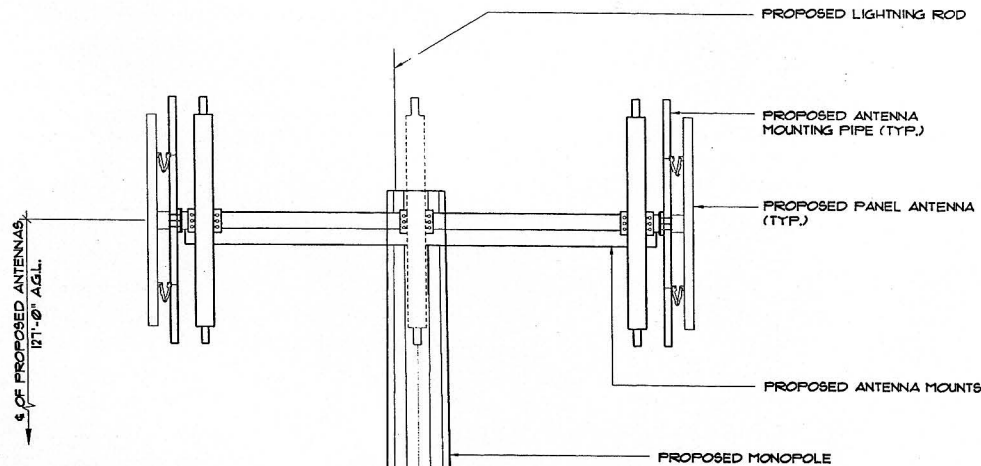
SCALE: 3/16"=1'-0"





SITE ELEVATION

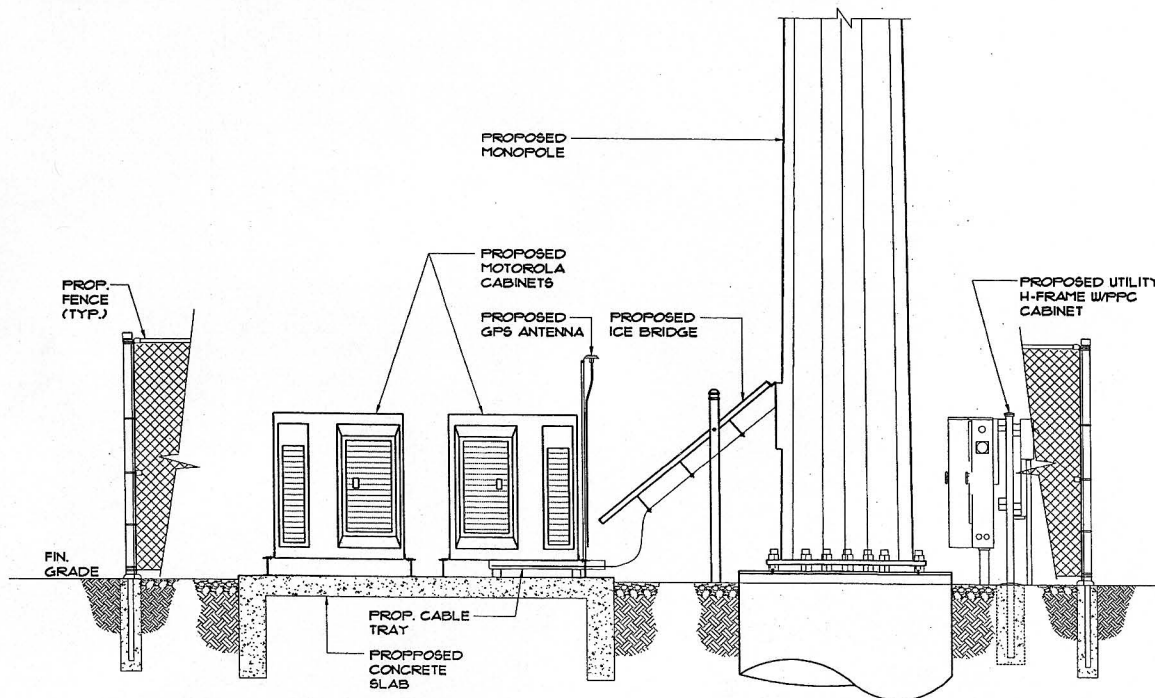
SCALE: NONE



ENLARGED SITE ELEVATION • ANTENNAS

SCALE: NONE

2



ENLARGED SITE ELEVATION • BASE OF POLE

SCALE: NONE

3

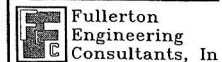


6580 SPRINT PARKWAY
OVERLAND PARK, KS 66251



LCC International, Inc.

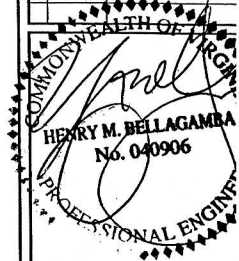
540 AVIS DR.
ANN ARBOR, MICHIGAN 48108
TEL: 734-213-5546 FAX: 734-213-571



9100 W. HIGGINS RD., SUITE 800
ROSEMONT, ILLINOIS 60018
TEL: 847-292-0200
FAX: 847-292-0205

THIS DRAWING IS THE PROPERTY OF
FULLERTON ENGINEERING CONSULTANTS, INC.
IT IS FOR THE EXCLUSIVE USE OF THIS
PROJECT. ANY RE-USE OF THIS DRAWING
WITHOUT THE EXPRESSED WRITTEN CONSENT
OF FULLERTON ENGINEERING CONSULTANTS
INC. IS PROHIBITED.

CHECKED BY:	JP
APPROVED BY:	MB
DATE	DESCRIPTION
09/29/05	ISSUED FOR ZONING
10/25/05	REISSUED FOR ZONING
11/01/05	REISSUED FOR ZONING



DATE SIGNED: 11-03-05

SITE NAME

DARE
ELEMENTARY

SITE NUMBER

N060XC806-1

SITE ADDRESS

300 DARE RD.
YORKTOWN, VA 23692

SHEET NAME

SITE
ELEVATION

SHEET NUMBER

Z-3

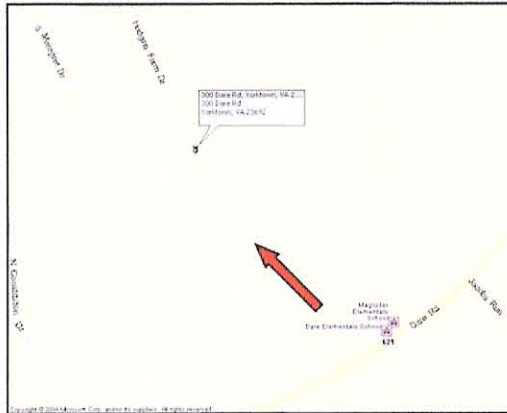


OCT 10 2005

PLANNING DIVISION
COUNTY OF YORK



Fullerton Engineering Consultants, Inc.
9700 West Higgins Road, Rosemont, IL 60018
PH: (847)292-0200 Fax: (847) 292-0205



Site Location



Before
Looking Northwest



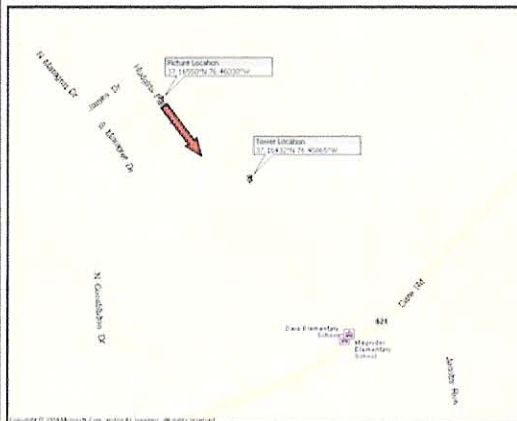
After

Dare Elementary-NO60XC806-B
300 Dare Rd., Yorktown, VA

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of site.



Fullerton Engineering Consultants, Inc.
9700 West Higgins Road, Rosemont, IL 60018
PH: (847)292-0200 Fax: (847) 292-0205



Site Location



Before

Looking South



After

Dare Elementary-NO60XC806-B
300 Dare Rd., Yorktown, VA

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of site.

Verifiable Evidence Statement

Sprint has a gap in coverage on Route 17 in the Grafton area of York County. The lack of service in this area is shown on the propagation maps attached to this application. In response to customer demand, Sprint has embarked on a network improvement plan in the Grafton area. This application is required to provide PCS service to the Residential neighborhoods and George Washington Highway (Route 17). Sprint found no suitable existing structures for the collocation of wireless antennas to provide the connecting coverage in the required area.

Narrative Description of Tower Locations

This letter is a narrative description of the different tower investigated by SprintCom. for possible collocation . The towers located were in the vicinity of the search area and they were analyzed.

1. Peninsula Hardwood Mulch- 715 Lakeside Dr.- Alltel 145 monopole location. This tower was south of the search area proposed by Sprint and was within a ½ mile of the Sprint location on Route 17 behind the Wendy's. Due to the closeness to the existing Sprint site and its location outside of the search ring, Sprint determined that this candidate would not meet its needs of connecting its network from Yorktown though Grafton toward Interstate 64.
2. Rose Brothers Inc. Property- There is a small 130 guyed tower used to support a small radio tower at Rose Brothers property. The tower does not have the structural capacity to handle the antennas of Sprint's size. Thus the tower is not a viable candidate because it does not have the structural stability to handle the antennas.
If the tower was to be rebuilt, it would be a serious question of whether there is enough space on the property to for a Sprint compound that would not interfere with the use of the property for Rose Brothers, Inc.
3. Sprint has a tower location on one of the Virginia Power locations behind the Wendy's on Route 17. The other towers were determined to be south of the required search area and not considered high enough to meet the needs of the network.

Design Criteria

As stated in the verifiable evidence statement, Sprint is designing it's PCS network to provide wireless coverage to the residential area in Grafton and along George Washington Highway (Route 17). Ideally, Sprint would prefer to collocate antennas on an existing structure rather than propose a new structure. Give the unavailability of a suitable structure to collocate, Sprint searched for other possible locations for a new facility. The site proposed at Dare Elementary meets Sprint's design requirements to provide PCS service within the designated area.. Sprint's RF engineers have determined that the antennas must be located at the proposed height of 127 feet in order to achieve the level of coverage to connect to the adjacent sites.

Sprint selected this property and located the tower site as to minimize it's visual impact on the adjacent properties. The site is located in the back part of the property in the leftfield corner at the edge of the woods. Furthermore, the design is to build a monopole tower to provide a structure that is believed to have less of a visual impact than a self-supporting lattice tower. This tower is designed to accommodate additional future collocation for additional carriers.

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Alfred E. Ptasznik, Jr., Chair
Nicholas F. Barba, Vice Chair
Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE A 137-FOOT SELF-SUPPORTING
MONOPOLE COMMUNICATIONS TOWER WITH ASSOCIATED
GROUND MOUNTED EQUIPMENT AT 300 DARE ROAD

WHEREAS, SprintCom, Incorporated has submitted Application No. UP-688-05, which requests a Special Use Permit pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance, to authorize construction of a 137-foot freestanding monopole communications tower with associated equipment on the parcel located at 300 Dare Road (Route 621) and further identified as Assessor's Parcel No. 30-2 (GPIN S06b-2936-4399); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application; and

WHEREAS, the Commission has determined, pursuant to Section 15.2-2232 of the Code of Virginia, that the proposed communication tower location is substantially in accord with the York County Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the _____ day of _____, 2005 that Application No. UP-688-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize construction of a 137-foot freestanding monopole communications tower with associated equipment on the parcel of land located at 300 Dare Road (Route 621) and further identified as Assessor's Parcel No. 30-2 (GPIN S06b-2936-4399), subject to the following conditions:

1. This use permit shall authorize the construction of a freestanding monopole communications tower with associated equipment on the parcel of land located at 300 Dare Road (Route 621) and further identified as Assessor's Parcel No. 30-2.
2. The height of the tower shall not exceed 137 feet.
3. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "Sprint, Dare Elementary, 300 Dare Road, Yorktown, VA," Sheets T-1, Z-1, Z-1A, Z-2 and Z-3, dated 09/29/05 and revised 10/25/05 and 11/01/05, prepared by Fullerton Engineering Consultants, Inc. and received by the Planning Division November 8, 2005. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.
4. Construction and operation of the tower shall be in conformance with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
5. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
6. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure

can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

7. The access easement shown on the above referenced sketch plan shall be established for the benefit of tower users for purposes of ingress, egress, and installation and maintenance of utilities associated with the proposed telecommunications facility prior to site plan approval.
8. Advertising and signage on the tower shall be expressly prohibited, except for warning signs associated with the operation of the tower or its equipment.
9. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
10. Evergreen planting material shall be installed for screening surrounding the facility as shown on the above referenced sketch plan Sheet Z-2 and pursuant to Section 24.1-240 et. seq.
11. If at any time use of the communications tower ceases, the owner of the subject property on which the tower is located shall dismantle and remove it within six (6) months after ceasing to use it, unless:
 - (1) A binding lease agreement or letter of intent with another wireless communications provider has been executed in which case an additional six (6) months shall be granted. If a letter of intent is provided, the execution date for a binding lease agreement shall not extend more than (12) months beyond the time the use of the tower ceases, or
 - (2) The County requests, in writing, that the tower be reserved for County use.
12. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
13. Evidence shall be provided prior to receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility is to be constructed.
14. The proposed 8-foot chain link fence surrounding the facility shall be outfitted with opaque material deemed acceptable for screening purposes by the Zoning Administrator.

15. The communication tower shall be gray in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting shall be used in lieu of multi-color painting. If painting is required, a tower maintenance plan shall be submitted to and approved by the County.
16. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower.
17. The communications tower shall be structurally designed to accommodate no fewer than three (3) wireless users capable of supporting either PCS or cellular antenna arrays. If space is available, the County shall have the right of first refusal for leasing a space on the tower to place an antenna in support of operations consistent with the County's Department of Fire and Life Safety.
18. A Natural Resources Inventory, including a Perennial Stream Determination, must be performed in accordance with Section 23.2-6 of the County Code by the Developer prior to any land disturbance or development (construction of the cell tower and appurtenances). If a perennial stream is determined, then a 100-foot Resource Protection Area (RPA) buffer must be placed landward of the stream and any adjacent wetlands and installing the proposed tower and appurtenances within the RPA will require an exception from the York County Chesapeake Bay Board.
19. A written statement from Musco Lighting (the supplier of the baseball field lighting system) is required detailing that there will be no detrimental effects on Musco Lighting's manufacturer warranty for the lighting system prior to site plan approval.
20. Written verification and a lighting drawing from a Musco Lighting representative will be submitted before site plan approval showing that the same lighting levels (foot candles) are provided on the field upon completion of the proposed tower.
21. Construction of the proposed tower shall occur only during the following times: November 1st through February 28th or August 1st through 31st. Completion of the tower must take place during these time periods and all lighting must be working and approved by the York County Division of Parks and Recreation.
22. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.